

REMARKS

Applicant deeply appreciates the indication that Claims 9, 10, 12-14, 16-18, 21, 23, 26, 27 and 30-32 are allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims in condition for allowance. Moreover, Applicant also deeply appreciates the indication that Claims 19, 28, 41, 42 and 44-46 are allowable if amended to overcome the rejections under 35 U.S.C. Section 112 and rewritten in independent form to include the limitations of the base claim and any intervening claims. These Claims have been amended accordingly and are respectfully believed to be in a condition for allowance.

Objection to the Specification under 37 C.F.R. Section 1.75(d)(1):

The Specification is now amended to comport with the language from the Claims in accordance with the Examiner's outstanding suggestion. No new matter has been added.

Rejection under 35 U.S.C. Section 112:

Claims 19, 28 and 33-46 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, Claims 19 and 28 are now amended to depend from Claims 16 and 27, respectively, to provide a proper antecedent basis in accordance with the Examiner's outstanding suggestion. Claim 33 is now cancelled and the rejection is now deemed moot. Claims 34-46, that have not been cancelled, are now amended to

refer to a “method” rather than a “tablet” in accordance with the Examiner’s outstanding suggestion. Therefore, it is respectfully believed that the rejection of Claims 19, 28 and 33-46 under 35 U.S.C. Section 112 is overcome.

Rejection under 35 U.S.C. Section 102(b):

Claims 1, 2, 4, 6, 7, 11, 15, 20, 22, 24, 25, 29, 33, 34, 36, 38, 39 and 43 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Chun et al. (U.S. Patent No. 5,133,892). Since Claims 1, 2, 6, 7, 11, 15, 20, 24, 25, 29, 33, 34, 38, 39 and 43 are now cancelled; it is respectfully believed that this rejection is rendered moot with regard to these Claims. Chun et al. is cited for disclosing “sodium dichloroisocyanurate.” A reference to this chemical is deleted from Claims 4, 22 and 36. It is respectfully believed that “...a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F. 2d 628, 631 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the... claim.” Richardson v. Suzuki Motor Co., 868 F. 2d 1226, 1236 (Fed. Cir. 1989). It is respectfully believed that the United States Patent Office has steadfastly and properly maintained this view and it is the current and unequivocal view of the Court of the Appeals for the Federal Circuit as well. Jamesbury Corp. v. Litton Industrial Products, 756 F.2d 1556, 225 U.S.P.Q. 253 (Fed. Cir. 1985).

Therefore, Claims 4, 22 and 36 overcome the rejection under 35 U.S.C. Section 102(b) as being anticipated by Chun et al.

Claims 1-6, 8, 11, 33-38, 40 and 43 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Olson et al. (U.S. Patent No. 5,407,598). Since Claims 1-3, 5, 6, 11, 33-35, 37-38, 40 and 43 are now cancelled, it is respectfully believed that this rejection is rendered moot with regard to these Claims. Olson et al. is cited for disclosing "potassium dichloroisocyanurate." A reference to this chemical is deleted from Claims 4 and 36. The Court of Appeals for the Federal Circuit Court has consistently highlighted the importance of considering the subject matter "as a whole" to take into account all limitations of the claims. Carl Schenck, A.G. v. Nortron Corp., 713 F.2d 782, 218 U.S.P.Q. 698 (Fed. Cir. 1983). It is respectfully believed that a claim is anticipated only if each and every element, i.e., potassium dichloroisocyanurate, as set forth in the claim is found, either expressly or inherently described; in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

Therefore, Claims 4 and 36 overcome the rejection under 35 U.S.C. Section 102(b) as being anticipated by Olson et al.

Claims 1, 4, 11, 33, 36 and 43 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Kibbel, Jr. (U.S. Patent No. 3,873,685). Since Claims 1, 11, 33 and 43 are now cancelled; it is respectfully believed that this rejection is rendered moot with regard to these Claims. Kibbel, Jr. is cited for disclosing "sodium dichloroisocyanurate dihydrate" and "trichloroisocyanuric acid." A reference to these chemicals is deleted from Claims 4 and 36. Therefore, it is respectfully believed that all claim limitations must be considered. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Moreover, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

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Amendment A
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Attorney Docket No.: 717281.3

described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Therefore, Claims 4 and 36 overcome the rejection under 35 U.S.C. Section 102(b) as being anticipated by Kibbel, Jr.

New Claims 47-49 have been added to provide Applicant with entitled patent protection, which mirror **allowable Claims 13, 31 and 45**, respectively, with the substitution of "anhydrous sodium dichloroisocyanuric acid" for "potassium dichloroisocyanuric acid." Support for these new Claims can be found in Paragraph [0022] of Applicant's Specification which recites anhydrous sodium dichloroisocyanuric acid as a halogen source. No new matter has been added.


Therefore, it is now believed that all of the pending Claims 4, 9, 10, 12-14, 16-19, 21-23, 26-28, 30-32, 36, 41, 42, and 44-49 in the present application are in condition for allowance. Favorable action and allowance of the Claims is therefore respectfully requested.

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If any issue regarding the allowability of any of the pending Claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

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Respectfully submitted,



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Electronic Information Disclosure Statement

LAYERED TABLET WATER TREATMENT COMPOSITIONS AND METHOD OF USE

Application:

Confirmation:

Applicant(s): Thomas Connelly

Docket

717281.3

Number:

Group Art

Unit:

Examiner:

search string: (4846979 or 5700377 or 5783550 or 3873685 or 4828745 or 5133892 or 5283065 or 5549913 or 5738874 or 5783540 or 5837663 or 5962387 or 5240713 or 6083533 or 6136344 or 6149940 or 6183845 or 6183778 or 6194368).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	4846979	1989-07-11	*4846979*	Hamilton	CO2F	1/50
	P02	5700377	1997-12-23	*5700377*	Cox	CO2F	1/50
	P03	5783550	1998-07-21	*5783550*	Kuriyama, et al.	C11D	3/39
	P04	3873685	1975-03-25	*3873685*	Kibbel, Jr., et al.	424	16
	P05	4828745	1989-05-09	*4828745*	Jeschke, et al.	C11D	7/36
	P06	5133892	1992-07-28	*5133892*	Chun, et al.	C11D	17/00
	P07	5283065	1994-02-01	*5283065*	Doyon, et al.	A61K	9/14

	P08	5549913	1996-08-27	*5549913*	Colombo, et al.	A61K	9/24
	P09	5738874	1998-04-14	*5738874*	Conte, et al.	A61K	9/22
	P10	5783540	1998-07-21	*5783540*	Secemski, et al.	C11D	17/00
	P11	5837663	1998-11-17	*5837663*	Nicholson, et al.	C11D	17/00
	P12	5962387	1999-10-05	*5962387*	Gorlin, et al.	C11D	17/00
	P13	5240713	1993-08-31	*5240713*	Ayer	A61K	9/24
	P14	6083533	2000-07-04	*6083533*	Cremer	A61K	9/24
	P15	6136344	2000-10-24	*6136344*	Depui, et al	A61K	9/26
	P16	6149940	2000-11-21	*6149940*	Maggi, et al.	A61K	9/24
	P17	6183845	2001-02-06	*6183845*	Ikemoto	B32B	7/02
	P18	6183778	2001-02-06	*6183778*	Conte, et al.	A61K	9/24
	P19	6194368	2001-02-27	*6194368*	Waschenbach, et al.	C11D	71/00

Signature

Examiner Name	Date